

# Biographical Sketches of the Madison County Bench and Bar

Eighteen Hundred and Six  
Nineteen Hundred and Six

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By B. FITCH TOMPKINS, Esq.



Published by the  
Madison County Historical Society  
1911







**1806-1906**

**Biographical Sketches**

**OF THE**

**Madison County Bench and Bar**

**AN ADDRESS BY**

**B. FITCH TOMPKINS, ESQ.**

**(Clerk of the Surrogate's Court)**

**Delivered before the Madison County**

**Historical Society at the Court**

**House in Wampsville**

**April 19, 1911**

**Published by the Madison County Historical Society**

**Oneida, New York, 1911**

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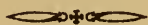
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## INTRODUCTION



This little booklet contains an interesting address by B. Fitch Tompkins, Esq., Clerk of the Surrogate's Court of Madison County, delivered before the Madison County Historical Society April 19, 1911, at the Court House in Wampsville. It was prepared by the author with much care, research of records and painstaking, with a view of being thoroughly reliable and correcting several errors of historical importance, among other things adding an honorable name to the chain of Madison County judges, strangely enough overlooked by other local historians. The address is a most valuable acquisition. It has been kindly donated to the Society by Mr. Tompkins, himself an honored member.

SAMUEL A. MAXON,  
Secretary





# Foreword



Mr. President and Members of the Historical Society:

I think I ought to apologize for not before attending a meeting of the Society, although a member for some years.

I know some apology is needed for this appearance, for though I realize that it is my misfortune I did not attend before, it is probably yours that I did this time.

In searching the records of the past I have discovered that all my eight great-grandparents, the Tompkins, Simmons, Fitch, Brown, Babcock, Lewis, etc., families were early pioneers of the county, most of them of the Rhode Island Colony of 1793, and have always resided here, so I account myself a genuine native; and I have become, perhaps for that reason, intensely interested in these early actors on our local life's stage and have discovered some matters of history (decidedly profane history, I may say) which I hope I may be able to correct and in so doing bore you with some uninteresting details. But that I take it is part of the real and serious purpose of our organization.

In these remarks I have taken up the portraits of the Judges first and in chronological order, and will devote more time to those older ones which are perhaps less known to most of us.



# Judges of Madison County



To get in touch with the period and people we are to talk about, let us hastily recall that the actual settlement of our county commenced about 1790, not long after the Revolutionary War, and was thereafter quite rapid. It was the time of the great Napoleon in France. In 1806 Thomas Jefferson was President of the United States; George Clinton, succeeding Aaron Burr, was Vice-President; Morgan Lewis, succeeding George Clinton and preceding Daniel Tompkins, was Governor of the State, and John Boone was Lieutenant-Governor.

The now towns of Hamilton, Madison, Eaton and Lebanon, comprising the first town of Hamilton, nearly one-fourth the area of our county, in 1799 voted a few more than 600 votes; five towns made up the county. The population of the county I have not been able to learn, but that of the entire State was only between six and nine hundred thousand. Roads—if they might be so-called—were in their infancy in this locality and the great turnpikes were being agitated and constructed. Indians were numerous, but settlement was rapid in this great wilderness, and in 1806, only a little more than a dozen years after settlement began, the Legislature set us off from Chenango in a division of our own and provided for the appointment of our public officials.

Among the first prominent officials was

## PETER SMITH

whom we style the First Judge of Madison county. The medallion colored bas-relief of his profile hangs at the rear west side of the court room gallery and is of considerable age. It was presented to the county some years ago by his granddaughter, Elizabeth S. Miller of Geneva. He was heavy of build, not tall; and, as you observe, had rather stern features, heavy dark straight hair, and large wild eyes, almost fierce.

He was appointed by the "Council of Appointment" on the formation of our county in March one of the Common Pleas Court Judges with four others, and that appointment with its large, heavy attached seal is still on file with the County Clerk. His designation

as "First Judge," as distinguished from the other four (and which we are told was perhaps made as a reward for his support of Governor Lewis), was not made until later, on June 10, 1807. His oath as such is on file, taken July 2, 1807.

The first court for the new county—and which corresponds to our present county court—was held in the school house near Barnard's at Quality Hill, in the then town of Sullivan, Tuesday, June 3, 1806; and, as the record recites, Hon. Sylvanus Smalley of Sullivan, Peter Smith of Peterboro, Edward Green of Brookfield, Elisha Payne of Hamilton and David Cook of Sullivan, Esquires and Judges, were all present. Smalley, it seems, was at the time of division one of the judges of the old county of Chenango, and had been elected one of the assemblymen of our new county, but he did not object to holding two important offices at the same time. He did not appear, however, at the next term in October at the school house near Elisha Payne's in Hamilton. Peter Smith was there; and on July 3, 1807, at a term of the Oyer and Terminer Court held at Sullivan by Supreme Court Judge William W. VanNess, the record recites that Peter Smith, "Judge of Madison County," Elisha Payne and David Cook, Assistant Judges, were also present. Here was tried Alpheus Hitchcock, the music teacher, for murder.

Our country was then, as we have seen, a primitive one, and the inhabitants actual hardy pioneers, more noted for their enterprise, sturdiness and religious zeal than for their learning, and I presume this first jurist of our county was fully competent and qualified according to the requirements of the times and the demands of his fellows. The country had, of course, advanced some since the period Irving tells us about when the early settlers of Connecticut proclaimed they would be governed by the laws of God "until they had time to make better," and no doubt our first judge was called upon to apply some of these "better" laws our wise legislators had already enacted. Whether he was a regularly admitted attorney I have not learned, but I am led to doubt it, as before he was thirty he had acquired a quasi title from the Indians of a modest strip of only 50,000 acres, afterwards known as the New Petersburg Tract; had previously spent three years in New York, a year near Little Falls and about ten years in and about Utica in the mercantile business, and had become noted as an Indian trader. His spare moments, if any he had, must have been before he was sixteen, and his time for storing up legal lore was very limited. We also know that he held the office of Sheriff of Herkimer county (when Madison was a part of

it) by appointment February 18, 1795. We are told by historians that his knowledge of human nature was profound (which we can readily believe) and his mental characteristics such as to enable him to judge the right and wrong clearly; his decisions were satisfactory and his integrity unquestioned; which would certainly call for no apology from the bar because presided over for sixteen years by one who might not have been in the first instance an admitted attorney.

The first court when it met appointed two constables to look after the Grand Jury, received its report of no presentations, and adjourned in a few hours. The next one appointed William Hatch to the be-cobwebbed and unless office of court crier, adjourned from the school house to the meeting house, and adopted our county seal. If these are samples of the arduous one-day sessions, his legal lore was not seriously taxed. However, his was later a very busy court and he had the distinction of sitting as associate to the Supreme or Circuit judges in the murder trials of Alpheus Hitchcock, previously mentioned, and Mary or Polly Anthony, as the record has it, or "Antone" as she was better known, in 1815. The last term over which he presided was at Morrisville, June, 1822.

His judicial duties did not absorb all of his attention by any means, for he was busy selling his land in 50 and 200 acre lots; was Supervisor of his town; one of the commissioners to superintend the erection of the first court house and gaol at Cazenovia; established the first newspaper in the county, the Madison Freeholder, in 1808; was interested in many business enterprises of the time, including one of the first glass factories. He was pre-eminently a money getter. It was said he was probably one of if not the largest land owners in the country, having title to between 500,000 and 1,000,000 acres. This he secured in many ways—by leasing from the Indians for 99 years and buying large wild tracts at tax sales. It is said he bought at one time 80,000 acres in Oneida county, frequently whole townships, and \$8.40 an acre was the highest he paid for any of it. In 1819 or 1820 he turned over all of his property to his son Gerrit. This consisted of property worth about \$400,000 with \$75,000 of debts. He reserved for himself the income from \$125,000, and from this start in the few remaining years of his life, and while devoting his time to religious matters, he accumulated a fortune that amounted to about \$800,000 at his death.

He was married, February 5, 1792, to Elizabeth Livingston, who lived only till August 27, 1818. Shortly afterward he married



Sarah Pogson of Charleston, S. C., who was literary and social in her nature, and the union proved most unhappy. She soon left him and returned to her old home in the South, where she died after the Civil War. His son, Peter Shenandoah Smith, named after his friend, the famous Indian chief, Shenandoah, was a source of much worry to his father because of his erratic ways and lack of business acumen and stability, and this son later located in Oswego county, where he resided until his death, but his son, Gerrit, whom we shall refer to later, well merited the confidence and esteem freely given him.

While this unique judge cared nothing for the so-called laws of religious institutions, was frequently, we are told, profane, still he was nevertheless very conscientious, strictly honest and fair, and devoted much of his time to labor with the people about religious matters and to the distribution of religious tracts—so much so that in 1825, after turning over his property to his son, he removed to Schenectady and spent a large part of his time in later life traveling on his religious missions for the American Tract Society, with which he was intimately connected and financially assisted.

Born at or near Tappan, Rockland county, N. Y., November 15, 1768, he died at Schenectady, April 3, 1837, and his remains were buried at Peterboro, the beautiful little hamlet he founded, which he nurtured and dreamed might sometime be a metropolis of the surrounding country. Certainly this is a character to remember and to study with profit.

## JUSTIN DWINELLE

Illustrating the comparative youthfulness of our county is the fact that in December last the profile cast of Justin Dwinelle, the successor of our First Judge, Peter Smith, was presented to the county by his daughter, Miss Louise S. Dwinelle, now living at the age of eighty-four in Cazenovia. This medallion was made from a plaster cast taken after the death of Mr. Dwinelle, and is the work of the eminent sculptor, Launcelot Thompson, late of New York city, and is accounted to be a fine work of art and by his daughter stated to be an excellent likeness.

Judge Dwinelle was born at Shaftsbury, Vermont, October 28, 1785. He graduated from Yale College in 1808 and entered upon the study of law in the office of John Dickenson at Troy. He was admitted to the bar in August, 1811, and the next month removed

to Cazenovia and began the practice of his profession. In 1813 he married Louisa Whipple of Cazenovia, and of their nine children seven lived to maturity, five boys and two girls. Two of the boys became doctors and three followed the profession of their father. Miss Dwinelle alone survives.

February 7, 1823, he was appointed First Judge of the Court of Common Pleas of our county and he presided over his first term October, 1823. The last mention of his name as presiding judge was the February 1828 term, and his name appears many times subsequent as practicing attorney in that court. The State Civil List and the histories of Mrs. Hammond, Judge Smith and Justice Chester and the History of Chenango and Madison Counties would seem to make his term as judge ten years and his daughter so understands, but as Judge Eldridge held the June 1828 term and the name of Judge Dwinelle does not again appear in the records, it must be an error and his term was the usual one at that time—five years. In July, 1823, he sat with Circuit Judge Nathan Williams in the trial of Abraham Antone for murder.

Just prior to his appointment as judge, in the years 1821 and 1822, he was one of the members of Assembly from the county, and for the term 1823-25 he was elected Representative to the U. S. Congress. In 1837, as the histories state, he was appointed District Attorney for the county; however, his oath of office as such was taken and filed October 3, 1838, and he served until the appointment of Charles Mason in 1845, during which time he prosecuted the murderer, Lewis Wilber, being assisted by B. D. Noxon of Syracuse and Timothy Jenkins of Oneida Castle, both noted attorneys.

He was one of the organizers of the old Madison County Bank in 1831 and from 1840 to 1842 was postmaster at Cazenovia. He died at the latter place September 17, 1850.

Mr. Dwinelle did not always write his name with the final "e," but it was afterwards adopted by the family as more nearly approximating the French spelling "Doninelle."

## **JAMES B. ELDRIDGE**

James B. Eldridge succeeded Justice Dwinelle as First Judge of the county. He is named first among the judges, according to the record, at the term of the court held June 17, 1828, and, with the exception of the February 1829 term, his name appears first

among the list of judges until June, 1833. Again we are confronted with an error in the histories and the Civil List, for the date of his appointment is there given as March 16, 1833, while the court records show that in February, 1833, he held his last term and his name does not appear among the presiding judges after that. No doubt his term began in 1828 and he held till February, 1833, for the original court records so show it and it would make just a five-year term, which was the prescribed term at that time.

I have not the date of his birth or admission to the bar. He was one of the members of Assembly of the county in 1817 and twice subsequently in 1827 and 1829. On April 12, 1823, he was appointed one of the commissioners to lay out a road from Norwich through Madison county to intersect the Erie canal in the town of Lenox at or near Oneida creek. Aside from being County Judge he was the fifth Surrogate of the county from February 18, 1840, to 1843. He was a partner of the late A. N. Sheldon of Hamilton, once District Attorney, from 1845 to 1848, and he died at the latter place, September 15, 1864, at about the age of 79.

## JOHN B. YATES

The court records show that Mr. Yates was First Judge of the Common Pleas Court beginning with the term of June 18, 1833; that he was not present in 1834, but was in 1835. He died July 10, 1836, very suddenly. Mrs. Hammond in her history gives the date of his appointment as 1838, and states that after a short time he resigned and was later re-appointed. This I believe was in part true. He was, however, probably appointed in 1833, resigned at the end of the year, and for 1834 no First Judge was designated as the line for the name of the first judge in the court records is left blank that year; and he served from 1835 until his death. The Civil List, which gives the date of his appointment as 1836 or 1837, and Judge Smith's History, which makes his term from 1837 to January, 1843, when he was dead and buried, are clearly in error.

This noted man was born at Schenectady in 1784 and was admitted to the bar in 1805, after graduating at an early age from Union College in 1802. For several years he practised at Schenectady, but in 1812 was commissioned by Governor Tompkins as Captain and raised a company of artillery and participated in the unfortunate campaign in northern New York in 1813. In 1815 and 1816 he was member of Congress for the 14th District, comprising the



counties of Schenectady and Schoharie. He then removed to Utica, where he took up the profession for a short time before locating in Chittenango.

He was also a prominent merchant and proprietor of a packet line; was interested in oil and woolen mills and in the manufacture of plaster and water lime, industries which he fostered in the village; was a large investor in other enterprises. He owned much land in and about Chittenango and was the real builder of the village. Quite a large tract of land he laid off at different times in the village and subdivided into building lots, many of which are still unoccupied. He was at one time appointed to supervise the State lotteries for the promotion of literature which necessitated his removal to New York, where he resided for about eight years, from 1817 to 1825. He was one of the incorporators of the Chittenango Canal Company in 1818, mention of which is found in many deeds in the village. He was also largely interested in a railroad from Chittenango to De-Ruyter and southern towns and on which he commenced grading at his own expense when he was suddenly called by death July 10, 1836, holding at the time the offices of First Judge of the Court of Common Pleas and Assemblyman for the county.

He was greatly interested in education and it is said at one time saved his alma mater from financial disaster by advancing large sums from his own funds. He is perhaps best known and remembered for the establishment at Chittenango of the Yates Polytechnic Institute, in 1824, which for several years he maintained at his own expense. His brother was the first principal, and the school was advertised and noted for its originality, but it was closed in 1832 for lack of patronage. This plan of practical education was less popular then than today, but he was firm in his belief of its practicability and usefulness, and while he realized he was ahead of the ideas of the times, as the provisions of his long will show, for in it he made mention of the necessity of educating the people to the idea by means of publications, etc., showing its desirability and utility. Such an institution was one of his dreams and he made careful plans for the same by this will, but the opportunity was not accepted and the project was doomed to die from lack of popular interest, the very danger he feared. At Cornell we find the idea developed as he hoped his executors and the State might do. A rich, influential, generous, public spirited and highly respected citizen was Judge John B. Yates. He was to Chittenango what Peter Smith and his son Gerrit were to Peterboro, and it is interesting to note the many similar characteris-

ties in the lives of these two good men. Keen, active and successful mercantile men, rich, large land-owners, practically founders of the respective villages they each dreamed would one day be great centers of population and marts of trade, enterprising in all matters of public interest, practical in most things, each judge, and each planning and devoting their greatest efforts to benefit mankind—one by his educational works and designs, the other by his religious labors and exhortations. Dreamers, you may say, but our great men are simply dreamers who lived to make and see their dreams come true. Both are lives from the study of which we can gain much good and inspiration, not alone from what they did, but more, perhaps, from what they aimed at and dreamed about.

## EDWARD ROGERS

John B. Yates died in July, 1836, while First Judge. The county histories and the State Civil List make no mention of Edward Rogers, who I find took his oath as "First Judge of the County Court of the County of Madison" February 1, 1837, which is on file in the County Clerk's office. On February 6, 1837, as the court records show, he presided over the Common Pleas Court, which with only a few exceptions, probably due to his absence in Congress, he held for five years until the end of 1842 and the appointment of Judge Barlow. I have shown that errors exist in the list of judges published as to dates, and it is to be regretted that the name of this able man has been entirely omitted in the publications of our local history and I have taken pains to include it in the list of Madison County Judges I recently had printed.

He was born at Cornwall, Conn., May 30, 1787; graduated at Yale, and was one of the first lawyers of the village of Madison, locating at that village about the close of the War of 1812. He was admitted to practice in Common Pleas Court, February 8, 1815. There he practiced for thirty years. He was one of the first trustees of the village on incorporation in 1816; Supervisor of the town in 1820 and 1821. With Barak Beckwith and John Knowles he was a representative of this county to the Constitutional State Convention of 1821. This was the memorable assemblage that destroyed the iniquitous Council of Appointment, restored to the people the right more fully to choose their own officers and, registered the triumph of the more democratic town meeting ideas of the eastern settlers over the aristocratic, monarchial ones that had been handed

down from the times of the colonies in our own State. Of this convention it has been said by competent authorities that it "presented an array of talent, political experience and moral worth never surpassed by any assemblage of men elected from a single State." Vice President Tompkins presided and Martin Van Buren was the leading debater. Chancellor Kent, that famous legal authority, and Judges Ambrose Spencer, William VanNess (who used to sit in our county and presided at the Hitchcock murder trial), Platt, James Tallmage and many other noted men of the times were members.

Just a word about the Council of Appointment, so we may judge more clearly about the appointment of our first officers. The original Constitution of 1777 provided for this machinery and the provision was probably drafted by John Jay, then 31 years old, and by Gouverneur Morris and Robert Livingston, still younger. The Council consisted of the Governor and four Senators, one from each Senate District, openly appointed by the Assembly every year, and whose members could not serve two years in succession. The Governor's powers were not clearly defined and it was sometimes contended he had simply a vote in case of tie. The Constitution of 1801 continued these, but the Governor assumed the real power of appointment. And some of the early commissions on file in our county show the appointment was made by the Governor by and with the advice and consent of the Council of Appointment. There seems to have been some dispute as to this concerning some of the appointments, the Council claiming the right to appoint when the majority so decreed without the nomination or appointment by the Governor. This power came to be used by the Governor as a political whip and tool. Gov. Lewis appointed Daniel D. Tompkins Assistant Justice of the Supreme Court. In three years Tompkins, elected Governor by Clinton's friends, began to throw out of office the Lewis supporters. The strife was bitter and the Federalists or anti-Clintonians were shortly again in power and again began removal only to be checked shortly by the re-election of Tompkins in 1809 and the ascendancy of Clinton as a power in the State and nation. In 1815 the power was in the hands of the Republicans (not the present party by that name) and in 1817 again the pendulum swung back to Clinton and he was still in control in 1819 when Van Buren was removed as Attorney General. The next year the Republicans were in control and a constitutional convention was called. Roger Skinner was a power at this time, being a Federal Judge, State Senator and a member of the Council of Appointment.

The convention did much to lessen the power of appointment, but our judges continued to be appointed down to 1847. While the struggle was going on it is interesting to note that Peter Smith, who was originally appointed by Gov. Lewis and it is said perhaps for his support of Lewis and opposition to Tompkins, still continued to hold his office down to the time of the convention and after.

Judge Rogers was also Representative in Congress from our (23d) district in 1839 and 1840. History tells us he was a writer of ability and published several works, but neglects to tell us the nature of these. He died at Galway, Saratoga county, May 29, 1857, at the age of seventy. He is buried at Madison, N. Y., and the beautiful monument erected by Dr. Gould of West Cornwall, N. Y., his brother-in-law, has inscribed on it the following: "A scholar and a sound lawyer, an impartial judge and an incorruptible representative of the people."

His son, H. Gould Rogers, was consul to Sardinia under the administration of President Taylor.

## THOMAS BARLOW

Was the last appointed Judge of our county, holding the office of First Judge from 1843 to 1847, and was the father of our co-member, M. Eugene Barlow of Canastota. He was born at Duanesburgh, N. Y., over one hundred years ago, March 14, 1805, and in him we find a man, like most of his predecessors, more noted to posterity for his industrious and studious activities than his legal and judicial experiences. Graduating from Hamilton College with the degree of A. B., he was shortly, in 1834, admitted to the bar and practiced at Canastota during a long and active life, his death at the age of 91 occurring in Canastota as recently as September 18, 1896.

His picture, which hangs in the center of the circle, was presented to the county by himself, and was painted by his son, Edward G. Barlow, and is, I am told, both an excellent painting and likeness.

The family possess, among other valuable mementoes, the certificate of his appointment as sergeant Major of Artillery in 1831, signed by F. E. Spinner, Colonel, who was afterwards Treasurer of the United States at the time of the Civil War and whose signature was well known during the circulation of the old greenback currency.

Before his appointment as Judge he was Superintendent of Common Schools in 1842, and while Judge he was twice Senator,



1844-48, at the time the Senate was also the appellate court, called "Court of Errors."

Judge Barlow was a most industrious man and a profound and enthusiastic student of nature, as is evidenced by large and very complete collections of birds, animals, insects, minerals and curios of various kinds. He also took pride in a large collection of original signatures of noted persons. The greater part of his natural specimens he gave to his alma mater, Hamilton. He was a corresponding member of the New York Historical Society, New Orleans Academy of Sciences, Wisconsin Historical Society, Buffalo Society of Natural Science, a member of the Association for the Advancement of Science, and also many others. Like Jefferson, his violin furnished much pleasure and recreation and on it he played with considerable ability.

He was a Free Soil Democrat until 1856, when he joined the Republican party and supported its principles until the close of the war, when he returned to the Democracy. He was an upright, fearless man, highly respected, and leaves to posterity much to honor and perpetuate his memory.

## JAMES WARREN NYE

I regret to say the county does not possess a portrait of this first elected judge of our county. He was born at DeRuyter, this county, June 10, 1815, and attended Cortland Academy at Homer, N. Y., was a driver on a stage line, and studied law at Troy, N. Y. In company with Lorenzo Sherwood, of the Sherwood brothers, also of DeRuyter, he practiced law at Hamilton. Sherwood went to Texas soon after its annexation and Nye continued there alone. Early he was appointed a Brigadier General, and when but 29 years old, Feb. 6, 1844, he was appointed Surrogate of Madison county, which office he held when elected County Judge and Surrogate under the new constitution, June, 1847, holding the same until January 1, 1852. In 1848 he was a candidate for Congress as a Free Soil Democrat, but was defeated. After his term as Judge he removed to Syracuse, where he practiced a few years with such men as William J. Hough, also from this county. February 19, 1855, he was one of the attorneys with LeRoy Morgan, afterwards Justice of the Supreme Court, and David D. Hillis defending Alfred Flyer for the murder of his wife. Although probably guilty as his subsequent life tended to indicate, he was acquitted. Judge Charles

Andrews, then but 27 years old, was District Attorney and was assisted by three other prominent attorneys in the prosecution of this trial.

In 1857, when the Metropolitan Police Board for the City of New York was created, he became its first president and removed to New York. He was also at one time appointed a Master and Examiner in Chancery. In 1861 President Lincoln appointed him Governor of the new Territory of Nevada, where he exerted a strong influence in opposition to the pro-slavery party there, and when the territory was admitted as a State (Oct. 31, 1864) he was elected U. S. Senator for the term 1865-67, and was again re-elected for the full term in 1867. While in the Senate he served as chairman of the Committees on Enrolled Bills and Revolutionary Claims, and also on the Committees on Naval Affairs and Territories.

He was a member of the National Committee in 1865 which accompanied the remains of the martyred Lincoln to the final resting place at Springfield, Ill.

He was accounted one of the ablest lawyers of his time and especially for his oratorical abilities, and his efforts counted for much in the establishment of law and order in the new State. He was identified with the Republican party from its formation, and his eloquence and strong sense of humor made him an effective and popular stump speaker, especially in the campaign of 1860, when he made a speaking tour in the west with William H. Seward. He was undoubtedly one of the strongest attorneys and most prominent men our county has produced. He died at White Plains, N. Y., December 25, 1876. He was a short, thick set man, with dark curly hair, a fancy dresser, and quite a favorite of the opposite sex.

## SIDNEY T. HOLMES

Mr. Holmes was a prominent figure in our county from 1850 to 1870. About his early life and also after he left the county I have not been able to learn much.

His father was Epheneus Holmes, one of the first lawyers at Morrisville, and Judge Holmes was probably born there. I find that in 1849 he was Clerk of the Board of Supervisors and in 1851 was elected County Judge and Surrogate, which position he held for about ten years.

He was our Representative in Congress from the 22d District for two terms (1865-'69) and soon thereafter, in 1871, removed to Bay

City, where he continued to reside until his death in 1890. His body was brought to Morrisville for burial February 21, 1890.

His activity in our county was about the time of the war and I find he was appointed one of the commissioners to raise an \$80,000 war loan for the county in 1862.

## CHARLES L. KENNEDY

Charles L. Kennedy, whose picture hangs on the east side of the circle, was a son of Dr. Samuel Kennedy, who was an early prominent and much beloved physician of Chittenango and an early Abolitionist who died at that village in 1849, at the age of 59.

Judge Kennedy was born at Chittenango, N. Y., November 15, 1825. He studied law at Morrisville with Duane Brown, Esq., and was admitted to the bar in 1847. He remained with Brown two years, then removed to Chittenango to enter partnership with William E. Lansing. Lansing was elected County Clerk in 1856 and Judge Kennedy came to Morrisville with him as deputy in charge of the office. He was elected to succeed Lansing as Clerk in 1858 and after his term as Clerk he practiced for a time at Morrisville with Judge S. T. Holmes. He was elected Judge of the county in 1868 and held the same to the time of his death in 1883. His term of fifteen years was, with the exception of those of Peter Smith and Alfred D. Kennedy, the longest of any of our judges. As his continued retention shows, he was a most popular, careful, respected and competent official. During the later years of his term Judge Coman, now of Oneida, was appointed by him Clerk of the Surrogate's Court, which position he held during the term of Judge Chapman and part of the term of Judge Alfred D. Kennedy. Charles L. Kennedy died at Morrisville, January 12, 1883, and his widow some years after. One son, Charles L. Kennedy of Syracuse, survives.

## BENJAMIN FRANKLIN CHAPMAN

Judge Chapman was the son of a self-made lawyer and passed most of his active life at Clockville, where he was born on March 24, 1817, and lived until about 1880, when he located at Oneida and built his beautiful home in which his daughter, Mrs. Charles E. Remich, still resides.

He was educated at Stockbridge Academy, Hudson River Seminary, Manlius and Fayetteville Academies, and graduated from

Hamilton College in 1839. This thorough education developed a natural aptitude for literature and in later life he was noted as a lecturer, some of them being "Washington and Its Defenses," "Harper's Ferry," "Salem Witchcraft," etc.

He was a prominent and helpful citizen, holding the position of postmaster at Clockville for thirty years and being Supervisor of his town in 1876. He was admitted to the bar in 1841 and practiced at Clockville for forty years, where he was also much in demand as a skilled surveyor.

In January, 1883, Governor Cleveland appointed him County Judge and Surrogate of our county to fill the vacancy caused by the death of Charles Kennedy, and he served until the qualification of Judge Alfred Kennedy the following January. He died at Oneida, March 29, 1892.

## ALFRED D. KENNEDY

This is an excellent likeness of Judge Kennedy, who died only a few years ago at Morrisville (February, 1899), while serving his sixteenth year as County Judge and Surrogate, one of the longest terms of any who have held that office.

His parents were of Scotch descent and his ancestors were banished from the Kirk of Clossburn, a small place in Scotland, on account of religious belief, being Scotch Presbyterians.

He was born at Volunstown, Conn., November 19, 1833, and after the death of his father he attended school and taught school before entering on employment in a dry goods store at Boston. His older brother, John M. (now living at Oneida), having taken a farm near Oneida, he shortly followed him there in 1855 and was a clerk in the store of James Tomlinson. Quite soon he entered the office of Timothy Jenkins at Oneida Castle and when admitted to the bar entered into a partnership with Judge Barlow at Canastota, where he continued until his election as County Clerk in 1870. He served one term and was for some years also Justice of the Peace of the old town of Lenox.

We was elected County Judge and Surrogate in 1883 and by re-elections was still acting at the time of his death in 1899.



## GERRIT A. FORBES

Judge Forbes was well known to most of you. He was the son of a farmer, Isaac Forbes, and was born near Clockville, May 30, 1836, and it is said was named Gerrit in honor of Gerrit Smith, who was a schoolmate of his mother, Abigail Sayles Forbes.

After obtaining a common school education he entered the office of B. F. Chapman (afterwards County Judge and Surrogate) at Clockville, in 1860, and in May, 1863, at the General Term in Binghamton, was admitted to the bar. He practiced for a time at Clockville with Judge Chapman. In 1871 he was elected District Attorney, which office he held for three years, making a most energetic and capable official.

He moved to Canastota in 1868, where he practiced, except for a time succeeding 1884, when he was a member of the firm of Forbes, Brown & Tracy of Syracuse, until his election to the Supreme Court Bench in November, 1887. He was afterwards re-elected and served in that position until the time of his death at Canastota, September 22, 1906. He was married, July 10, 1862, to Ellen Brooks, who still survives.

For 12 years he was president of the Board of Education at Canastota, where he was a prominent and useful citizen.

His life being so well known to nearly all of you, it is not necessary to speak of his superior capabilities as a practitioner and his high standing as a judicial officer.

## JOHN E. SMITH

Judge Smith was one of the most active members of the committee which had in charge the collecting of this excellent group of pictures we are inspecting. His own, which hangs near the center of the circle in the main court room, is a good likeness of this prominent, kind hearted and well known citizen who so recently passed away.

Judge Smith was born in the town of Nelson, August 4, 1843. His parents died when he was quite young and he was left to the fartherly care of his half brother, S. Perry Smith, who in after life studied law with his brother, and although some advanced in life, became a lawyer of considerable prominence, practicing at Morrisville.

After attending school at Cazenovia and a short time at the Albany Law School, where President McKinley was also a student at about that time, he was admitted to the bar at the General Term at Albany, May, 1867, and immediately took up the practice at Morrisville, where at different times he was with Nathaniel Foote, Smith & Haskell, Smith & Cramphin and Smith & Smith, the latter firm being himself and his son, G. Wells Smith. For a time he was also a member of the firm of Smith, Kellogg & Wells of Syracuse. He was elected District Attorney of our county and served from 1877 to 1879 inclusive; and the next incumbent of the office, H. Barclay, resigning very soon after his election on account of ill health, he was appointed to fill the vacancy by Governor Cornell and served until 1883. He was elected State Senator for the 23d District (Herkimer, Madison, and Otsego counties) for the term 1886-87. In July, 1889, he was appointed First Assistant U. S. District Attorney for the Northern District of New York and spent considerable of his time in Buffalo, where he was in charge of much important litigation, among the important cases being the Gould bank cases and the celebrated S. A. Mersan and Charles M. Ross murder cases. He served in this position until 1891; and after a memorable political fight he secured the Republican nomination for State Senator on the 938th ballot, was elected by a good majority, and served for the term 1892-93.

For many years he was a leading trial lawyer of the county and was interested in much of the important litigation in this and near by counties, both civil and criminal.

For fourteen years he was one of the examiners of candidates for admission to the bar—first in the Third and then in the Fourth Department, when the examinations were largely oral. He thus became acquainted with a large number of the younger members of the profession. His own office was continually supplied with students with whom he devoted much time in their instruction and care in directing their reading, and in whose welfare he took an active interest, as I, who was the last of these from 1895 to 1898, can testify. On many long rides with him he seemed to delight in passing the time in discussing legal propositions and in drawing forth and correcting the information I had secured from study.

Upon the death of Judge A. D. Kennedy, he was appointed his successor as County Judge by Governor Roosevelt in 1899 and at the next election was elected for the term 1900-1906. After a spirited and close fight he was defeated for re-election, running on an inde-

pendent ticket, and although his health had been impaired for some time he continued to practice nearly up to the time of his death, which occurred at Morrisville, August 23, 1907.

Much could be said about the active and useful life of this affable lawyer, but his departure was so recent and his smiling countenance so familiar to you all it is not necessary here. No one probably had a larger personal acquaintance throughout the county than he enjoyed.

## PHILO GRIDLEY

About the time this county was being first settled, at Paris in our adjoining county of Oneida, September 16, 1796 Philo Gridley was born. In his early days he taught school. In 1816 he graduated from Hamilton College, and in 1820 he was admitted to the bar and for a time practiced at Waterville. Later he came to Hamilton and for a time was a partner of Surrogate Stower. In 1829 he succeeded William K. Fuller as District Attorney for our county, which office he held for about seven years, until 1836. This appointment was probably made under the provisions of the Constitution of 1821 which provided that a District Attorney for each county should be appointed by the County Courts. His residence in our county was comparatively brief, for in 1838 he was appointed Circuit Judge for the 5th Circuit of the State. These Judges had practically the same powers as our Supreme Court Justices. They held courts throughout the district the same as our Supreme Court Justices do now. One Judge was appointed for each Senate District. These courts were sometime held with the Oyer and Terminer for criminal business in which case the Circuit Judge had to associate with him two other Judges of the county. While Judge Gridley was not appointed for our district, he was probably living here at the time as I found on file his oath of office as such taken before Ephnetus Holmes of Morrisville, August 2, 1838. He removed at once to Utica and when the new constitution was adopted in 1847 he was elected Supreme Court Judge. He died at Utica, August 16, 1864.

While Circuit Judge he presided at one of the most important and noted criminal trials in our country. One Alexander McLeod was indicted for the murder of Amos Durfee by pistol shot Dec. 30, 1837, the night of the burning of the steamer "Caroline" and sending her over Niagara Falls, during the so-called "Patriot War."

McLeod was a British subject and his government demanded his release. Daniel Webster, then Secretary of State for United States, was in favor of granting the request, but the Governor of New York would not consent. On motion of the defendant the place of trial was changed from Erie county, where the feeling was very hostile, to Oneida county, and Judge Gridley assigned to the case. The State Attorney General, Willis Hall, District Attorney of Erie county John L. Wood, and the District Attorney of Oneida county, Timothy Jenkins (whose life we will later discuss), prosecuted. Great Britain really took charge of the defence and appropriated money for the purpose and Gardner & Bradley with Joshua A. Spencer (another Madison county man), all prominent attorneys, conducted the defense. Both countries were intensely interested and it was feared that a conviction would bring on war, but Gridley charged the jury that if the evidence warranted it to convict even if it should "light up the land with the flame of war." McLeod was, however, acquitted. Spencer was one of the foremost advocates in the country. His original minutes in this trial are preserved by the Oneida Historical Society at Utica. For his services in this case it is reported that Great Britain paid him \$10,000—a very large fee for those times.

Joshua Spencer was a Madison county attorney, born at Great Barrington, Mass., May 13, 1790. He was a clerk in a store after he came to Lenox in this county, enlisted in the War of 1812, and served at Sackett's Harbor; was subsequently admitted to the bar and practiced here for a time when, in 1829, he formed a partnership with William H. Maynard and removed to Utica. In 1841 he was appointed U. S. District Attorney for the Northern District of New York. In 1842 he was elected State Senator; in 1848 he was elected Mayor of Utica, about which time he informed his son that he had tried cases in every county of the state. His eminence at the bar was well deserved and he was a power with the jury. He died at Utica, April 25, 1857.

## CHARLES STEBBINS, SR.

The original of this picture was taken by Weld of Cazenovia and presented to the county by his son, Charles Stebbins, Jr.

Charles Stebbins, senior, was born at Williamstown, Mass., in May, 1789, and was graduated from Williams College in 1807. He removed to Cazenovia in 1810, where he continued to live till the



time of his death and was one of the most prominent and influential citizens of the community. He was admitted to the bar in 1813; served as Aide-de-Camp on the staff of General Hurd, his fellow townsman and prominent military man, in the War of 1812; was Clerk of Cazenovia village 1814-21 and its President from 1824 to 1826; one of the trustees of the Seminary of the Genesee Conference (now Cazenovia Seminary) in 1825; one of the incorporators of the old Madison County Bank in 1831; director of the Madison Mutual Insurance Company in 1836; first President of the Bank of Cazenovia in 1856.

In 1825 he ran for State Senator in opposition to Gerrit Smith, who was on the anti-Masonic ticket, and defeated him. He was re-elected and was acting Lieutenant-Governor of the State for a short period in 1829, when Enos T. Throop became Governor on the resignation of Martin VanBuren, by virtue of his being at the time the President of the Senate. He also held the position of State Bank Commissioner from 1830 to 1840. He died March 23, 1873, at Cazenovia, where his descendants occupy honored and prominent positions in the life of the beautiful village he helped to build up.

## GERRIT SMITH

Gerrit Smith probably had the largest national fame of any Madison County man. His picture, which hangs in the west gallery of the court room, was presented to the county by his daughter, the late Elizabeth S. Miller of Geneva.

He was born at Utica, March 6, 1797, being the fourth son of Peter (our first county judge) and Elizabeth Livingston Smith. The family moved to Whitesboro about five years after his birth and in 1806 came to Peterboro. In 1813 he entered school at Clinton and in 1818 graduated from Hamilton College. His brother Peter went with him, but stayed only a couple of years. In 1819, soon after the death of his mother and his graduation, he married Welthy Ann Bachus, only daughter of Dr. Azel Bachus, the first president of Hamilton College. She died of brain trouble in seven months, and in January, 1822, he married Ann Carroll, daughter of William Fitzhugh of Geneseo, N. Y. He was a man of considerable wealth for those times, and his fine home at Peterboro was maintained much like the rich estates in the South and was noted for its hospitality.

His investments were largely in real estate, which finally centered in and about Oswego in the canal, harbor and ships. The

financial depression of 1835-37 nearly swept away his fortune, but he borrowed \$250,000 from John Jacob Astor on little security but his naked promise and was soon on his feet again. His biographer states he had an income of from fifty to sixty thousand dollars a year for twenty-five years and for the last ten years \$80,000. His wealth enabled him to advance and make prominent many of his theories and policies and he attained much prominence in the great world of affairs. Although a candidate many times, about the only political office he held was Congressman from the Oswego-Madison district in 1852-53. He was a candidate for President on the Liberty party ticket in 1848 and 1852, for the Industrial Congress in 1856—three times a candidate for the Presidency, equalling the record of William J. Bryan. In 1840 and 1858 he was a candidate for Governor of New York of the anti-Slavery party, and was defeated for the State Senate, running on the anti-Masonic ticket.

He was always interested in local affairs and was one of the trustees of the Peterboro Academy. In 1718 he purchased this, and with land he had previously donated that institution and the old Presbyterian church he acquired, donated them for the Home for Destitute Children of Madison County, that admirable institution in which we take great pride.

He was not a lawyer by profession, but in 1856 he became interested in William Zecher, a Dutchman, accused of murdering John Buck of Nelson with an axe. He learned that Zecher came from the same part of Holland as his father's family and became convinced he was innocent. He was assigned with D. Brown and W. H. Kinney as counsel for the defendant, while David Mitchell prosecuted. He spoke for six hours on summing up in his hearty, natural and ingenious way and the jury acquitted. Whether this was due to the eloquence of his plea or the lack of convicting evidence I could not say, but no doubt his advocacy of the defendant's cause was a determining factor in the decision.

He founded a church at Peterboro, free from ecclesiasticism and creed obligation, and its pulpit was filled by many men of fame.

Noted throughout the country as an anti-slavery advocate, and for his aid to that cause, however he should receive full homage as a successful business man, of a beautiful religious nature, a great and staunch temperance worker, but pre-eminently a humanitarian.

If his one legal effort was a mistake, there being some question as to Zecher's innocence, it was a mistake caused by his too great

sympathy for and ready confidence in the unfortunate; we are proud of the great uplift to society those qualities enabled him to exert.

He died at New York while on a holiday visit, December 28, 1874. His biography by Octavus B. Frothingham, published in 1879, is interesting and complete, and it has been difficult to make from it so condensed a sketch as this.

## NATHANIEL KING

Nathaniel King was the son of Samuel King, a farmer, and was born at Amenia, Dutchess County, N. Y., December 26, 1767. His mother was early left a widow, with little means, but was intelligent, pious and literary and saw that their son was well educated and admitted to the bar. He graduated from Yale in 1792. When thirty years of age he came to Hamilton, then "Payne's Settlement," and commenced the practice of his profession. He had studied in Albany and became acquainted with many prominent men of the State, and in 1798 he was sent to Albany to secure a division of the old county of Herkimer, which resulted in the creation of the old county of Chenango. In April he was elected the first Assemblyman from this new county and was re-elected the next year, in 1799. In 1800 he ran for Senator, but was second best in a large field; however, the next year he was elected Assemblyman again. He was earlier an Assistant Assessor and Justice of the Peace.

In 1803 he married Ottillia Mayer, step-daughter of Deacon Olmsted, who died suddenly in 1816, and later he married Mary Bates of Paris, Oneida County, who left him an infant son in addition to the five children by his first wife. These his third wife, Mrs. Elizabeth Tefft, whom he married in 1818, ably assisted him to bring up. He purchased a large tract of land in Hamilton and erected a large office. Several students of note studied with him, including John G. Stower, afterwards Surrogate of our county. He was appointed Master in Chancery and in 1807 was appointed District Attorney for the counties of Herkimer, Onondaga, Cayuga, Cortland and Madison, but in 1812 he resigned this office and joined the then Republican party. He was subsequently one of the Common Pleas Judges of the county.

Mr. King was a student and educator, being well versed in Latin and Greek, all branches of mathematics, rhetoric, grammar, composition and elocution. He carried on discussions with such

mathematicians as Professors Strong of Hamilton College and A. M. Fisher of Yale. His solutions of difficult problems were published in several magazines. His mechanical genius is also illustrated by his invention of the Tellurian for illustrating the motions of the earth and especially the precession of the equinoxes. In 1818 he was one of the twenty-four trustees to found Hamilton Academy. He contributed materials and money for the erection of buildings and was the first teacher. He had been a teacher in his early years and took great delight in the work, in which he was most successful. He was also a successful farmer, devoting much time to the raising of winter wheat and cultivating a fine orchard, procuring scions from such distances as Long Island and New Jersey.

Mr. King was also a noted military man. He was early commissioned Colonel of Militia and conducted his "trainings" with much skill. He was later promoted to Major General and in 1814 he requested his friend, Gov. Tompkins, to send him into service and went to Sackets Harbor, where he was in command of all the militia in this vicinity, although Gen. Jacob Brown of the regular U. S. troops was afterwards in supreme command. The position was made so strong that the expected attack by the British was not made, and in 1815, after peace was declared, he came home and superintended the militia courts martial for a time before he resigned.

In Mr. King he have one of the successful men of his day. As a lawyer, educator, farmer and man of literary pursuits (often indulging in poetical compositions) he made an enviable reputation. He died at Hamilton, July 25, 1848, and was survived but a few months by his last wife.

## WILLIAM KENDALL FULLER

General Fuller was born about the time the settlement of our county began at Schenectady, N. Y., November 24, 1792, was graduated at Union College, and was admitted to the bar in 1814. He practiced at Utica for a time with John B. Yates and was attorney for the Oneida, Stockbridge and Brothertown Indians and Master in Chancery from 1814 to 1816. In 1816 with his partner, John B. Yates, he moved to Chittenango, where he became a prominent citizen. He was Supervisor of Sullivan for five years from 1827 to 1831 and President of the Board in 1830, and held many other offices such as Common Pleas Judge, Justice of the Peace, Town Clerk, Postmaster, School Trustee, Highway Commissioner.



From 1821 to 1828 he was District Attorney of the county, being called upon to prosecute Abraham Antone for murder in July, 1823.

For the terms 1833-5-7 he was Member of Congress for the 23d District (Madison and Onondaga), and as State Surveyor was engaged in settling the boundary line with Canada.

He had a long military experience: was Quartermaster of a regiment of militia at Utica, Aide-de-camp to the general of brigade with rank of Captain; Brigade Judge Advocate with rank of Major; Division Inspector with rank of Colonel; Adjutant General of the State of New York appointed by Governor Yates and continued for six months by Governor Clinton, who complimented him by issuing and publishing in the state paper a General Order.

He died at his native city of Schenectady, to which he had given a city hall, on November 11, 1883, at the advanced age of 91.

## DAVID J. MITCHELL

David J. Mitchell with Henry C. Goodwin studied four years with A. V. Bentley at DeRuyter and obtained much experience in an extensive justice court practice he enjoyed. They were both DeRuyter boys, and when admitted both removed to Hamilton and opened an office as partners. Mr. Mitchell was a brother of D. Q. Mitchell, another DeRuyter attorney, and an uncle of William H. Manchester, for a long time the capable Clerk of our Surrogate's Court.

He was born about 1827. Not long after their removal to Hamilton Goodwin was elected District Attorney for the county in 1847, and in 1853, the next succeeding term but one held by Lansing, Mitchell was elected to that important office, at which time he prosecuted Zecher for murder, Gerrit Smith defending. About five years after his term expired, in 1860, he moved to Syracuse as many of our prominent attorneys have done, and entered into partnership with Daniel Pratt and Wilbur M. Brown. Their firm had a large clientele and Mitchell was accounted one of the brightest attorneys of his time. He was one of the attorneys for General George W. Cole, who was indicted and tried for the murder of L. Harris Hitchcock, a prominent attorney of Syracuse, whom he shot in the head at the Stanwix hotel in Albany for alleged improper conduct with the former's wife. This was a noted case at the time, the jury failing

to agree at the first trial and rendering a verdict of acquittal at the second trial.

Mr. Mitchell died at Syracuse, Sept. 24, 1874, at the early age of fifty.

## EPHENETUS HOLMES

Ephenetus Holmes was born at Amenia, Dutchess County, N. Y., December 1, 1784, and was admitted to the bar at Schaghticoke, N. Y., in 1809. After practicing at that place for a time he removed to Morrisville about 1819, where with Andrew S. Sloan they established themselves as the first attorneys at the county seat. He was elected Justice of the Peace and for ten years he was one of the Common Pleas Judges of the county. He was much interested in education and was one of the first trustees of the old Morrisville Academy.

In 1831 and 1832 he was Clerk of the Board of Supervisors, which position he afterward held from 1835 to '47.

He was the father of Judge Sidney T. Holmes. His picture, which hangs in the west corridor, was presented to the county by his daughter, Julia I. B. Holmes of Bay City, Mich. He died about 1860 or '61.

## JOHN KNOWLES

This picture was painted in October, 1811, by A. B. F. Whitney and was presented to the county some years ago by his family. Miss Estelle Knowles, a great-granddaughter of the subject, is now living in Chittenango, but can give little information about this ancestor.

Mr. Knowles was a prominent man of his town during the early years of our county and at one time practiced at Bridgeport, where he settled about 1802, before the formation of the county. He was many times Supervisor of his town of Sullivan, in 1816, '17, '18, '20, '21, '22, '34 and '37. A man by the same name was president of the village of Chittenango in 1852.

In 1816 he, with Perry G. Childs of Cazenovia and Nathaniel Cole, was appointed by the Court of Common Pleas under an act of the Legislature to superintend the drainage of the great swamp or

marsh on Canasaraga creek in the towns of Sullivan and Lenox. In 1817 he was one of the commission appointed by the Supervisors to sell the old Court House and Goal at Cazenovia for \$1,500. In 1818 he was one of the incorporators of the Chittenango Canal Company formed for the purpose of building a canal from Chittenango to the Erie. He was also one of the incorporators of the Madison County Railroad in 1829 to construct a single or double track railroad from Chittenango to Cazenovia and south, which was never built. He doubtless later lived at Chittenango and was buried in the Walnut Grove Cemetery about a mile south of that village. I have not learned when or where he was born or when he died, probably prior to 1860.

## MATTHEW J. SHOECRAFT

Mr. Shoecraft was a son of Joseph Shoecraft, a noted mathematician, and was born in Herkimer County in 1818. He prepared for college at Union Academy at Belleville, N. Y., and graduated from Union College in 1846. For a time he taught school and studied law in his spare moments and was admitted to the bar in 1849. He removed to Oneida, where he practiced until his death about 1905.

In his early years he was a prominent figure in Oneida, where he was one time president of the village. He was elected Democratic Presidential Elector at one time and was a candidate of his party for Congress, State Senator, District Attorney and other offices.

At the age of 86 he prepared an address for a meeting of the Madison County Bar Association at Morrisville, but was unable to deliver it in person on account of illness.

## TIMOTHY JENKINS

Timothy Jenkins was not a Madison county attorney, although he practiced here a great deal, being located at Oneida Castle. He was born at Barre, Mass., January 29, 1799, removed to Washington county and received an academic education, went to Utica and studied law, and was admitted to the bar in 1825. He was District Attorney for Oneida county from 1840 to 1845, and it was during

his term that the famous McLeod murder trial was held before Judge Gridley and in which he was assisted in the prosecution by the State Attorney General and the District Attorney of Erie county. For about ten years he was the attorney for the Oneida Indians and conducted important litigation for them in the highest courts.

He was three times elected as Representative in Congress, in 1844, 1846 and 1850, and was there accounted one of the leading members. It is said he may have been the originator of the famous "Wilmot Proviso."

He was called one of the best attorneys Oneida county has had, and was a staunch Democrat until slavery times. He was, however, one of the delegates to the Philadelphia convention in 1856 which formed the Republican party, and he supported Fremont and the Republican candidates thereafter. He died at Oneida Castle, December 24, 1859.

## DANIEL D. WALRATH

Mr. Walrath was born at Chittenango, March 7, 1821, and his picture, which was taken from a likeness about 1884, hangs in the east corridor. He was an attorney, admitted to the bar in 1847 and the U. S. Circuit Court in 1867, and was a prominent figure in the locality. In 1842 he was one of the trustees of the village and in 1849 was elected President. He was Supervisor of the town of Sullivan in 1864 and again in 1876. He died at Chittenango, February 2, 1886.

## CHARLES STEBBINS, JR.

Mr. Stebbins was born at Cazenovia, July 3, 1827, where he continued to reside and practice up to the time of his death, except the two years he was in practice at Syracuse. He read law with Stebbins & Fairchild and was admitted to the bar in 1849, having graduated from Hobart College in 1846. He was Clerk of the village of Cazenovia from 1858 to 1861, again in 1863 and 1866; President in 1867 and 1868; Supervisor of his town in 1867 and 1870; and was interested in the establishment of the Home for Destitute Children at Peterboro, having urged the matter of a separate home while he was on the Board, and his report as one of the committee having the establishment in hand you will find in the Super-



visors Journal of 1871—probably drafted by him. A humorous and flowery speech made by him at the close of the session of the Board of 1867 is reported in full in the Journal (being about the only speech having the distinction of being recorded). It is full of jokes and puns and descriptions of the towns, and is well worth reading.

He was one of the commissioners to revise the Statutes and Code appointed July 1, 1871, and serving till Jan. 1, 1875, at which time he was appointed the private secretary to Governor Tilden. He died May 4, 1898.

This crayon was made from a photograph taken by Kurtz at Albany in 1875 and was presented to the county by his wife, Mary M. Stebbins, who with two daughters and four sons survived him.

## **SAMUEL SIDNEY BREESE**

Mr. Breese was one of the Justices of the Peace on the formation of the county (in 1806) for the then town of Cazenovia, and is said to be the first resident lawyer of the county. He was born at Philadelphia, Pa., September 26, 1768. He was the first County Clerk of Chenango county in 1798. For some time he practiced in the county with Jonas Platt, the firm of Platt & Breese being well known at that time, and I found on the Court records at the February, 1814, term it was ordered that in all suits prosecuted or defended by Platt & Breese Samuel S. Breese should thereafter act as attorney, said Jonas Platt having been promoted to the bench of the Supreme Court, May 11, 1814. He subsequently moved to Oneida county and became one of the most prominent members of the bar of that county. He was also elected Member of Assembly there in 1828. He was a member of the State Constitutional Convention of 1821, but was one of those who did not sign the document, as was also his friend, Judge Platt, Judge VanNess and several others. He died at Vernon, N. Y., October 15, 1848, being 80 years old.

The beautiful painted portrait which hangs in the east corridor was copied by Albert J. Purdy in 1890 from a portrait by Prof. S. F. B. Morse, inventor of the telegraph, and was presented to the county by Sidney B. Breese of Oneida.

## **GEN. WILLIAM J. HOUGH**

General Hough was born at Paris Hill, N. Y., in the year 1775, of Revolutionary fame, and was educated at Pompey Hill, N.

Y. He read law and practiced at Cazenovia for forty years, where he was a prominent figure in the community. He was Clerk of that village from 1829 to 1833 and again in 1836; its President in 1838 and 1848. He was a prominent General in the Militia and President Polk tendered him the office of Brigadier General in the army at the time of the Mexican War.

In 1835 and 1836 he was a Member of Assembly from this county and was elected as Representative in Congress from the 23d district in 1845 and re-elected in 1847. He was appointed one of the Regents of the Smithsonian Institute at Washington, D. C., in 1849, and was much interested in the admirable work it carried on and continued in that position down to the time of his death. In 1855 he removed to Syracuse, where he attained a prominent standing in the profession and was intrusted with many important matters. He was Vice-President of the old Syracuse City Bank and for two terms was President of the city Board of Education.

His picture in the east corridor was painted by J. Brayton Wilcox in 1890 and presented to the county by his family. He died at Syracuse, October 4, 1869, at the ripe age of 94.

## SYLVESTER BEECHER

This excellent painting was made by Melvin B. Ray and was copied from a painting by Frederick Spencer from a likeness taken in 1814 or '46. It was presented to the county by his daughter, Mrs. Daniel N. Crouse of Utica.

Sylvester Beecher was born at Wolcott, Conn., January 6, 1781. He was one of the Assemblymen from this county in 1827, with James B. Eldridge and Lennuel White. He was Supervisor of the old town of Lenox in 1817, and subsequently in 1833 and '34, and during the last two years was Chairman of the Board. He was one of the first directors of the Madison County Bank in 1832 and was for several years one of the Common Pleas Judges in the 'thirties or thereabouts. He also served as Captain in the militia in the war during 1812-'15. He died at Canastota, August 19, 1849.

## PERRY G. CHILDS

This prominent attorney was born at Pittsfield, Mass., in 1779, and was admitted to the bar in 1804. He was one of the earliest settlers of Cazenovia and became a large land owner and an influen-

tial man in the community where he spent his entire life. He was one of the most active trial lawyers at the time immediately following the establishment of our county, and was the attorney for the defendant in the first action noted on our Common Pleas Court minutes at the first session of the court, and the court records show the large and varied practice he and his firm of Childs & Stebbins enjoyed for many years.

He was appointed Master in Chancery in 1806 and was one of the board of the first trustees of the village of Cazenovia when incorporated in 1810. He was President of the old Madison County Bank and from 1819 to 1822 he was State Senator from this district. In January, 1822, he was elected one of the famous "Council of Appointment" which had the selection of many of the State and local officers. His palatial residence and grounds was one of the ornaments of this beautiful lake village, and he was the grandfather of Mrs. John Stebbins, who later owned it. Charles S. Fairchilds, who was one of President Cleveland's cabinet officers, was his grandson. He died at Cazenovia in 1835.

## HARRIS COATS MINER

Mr. Miner was born at Pharsalia, Chenango County, August 31, 1817, and his rather limited education was received at the Pitcher Springs Academy. His ancestors came from Connecticut and were early settlers in the locality. He remained on the farm until about twenty-one, when he came to DeRuyter and was employed in the store of Israel Smith for about nine years. When Sadoek T. Bentley, his townsman, was elected County Clerk, in 1843, Miner went with him to Morrisville, where he was Deputy County Clerk for three years. For about a year thereafter he engaged in mercantile business at Syracuse, where Milton S. Price and Judge Charles Andrews, then young men, clerked in his store. He married Cynthia Bunker, a DeRuyter girl, August 29, 1844, and his only child, a young lady of seventeen, died in 1869.

While at Morrisville he devoted some time to the study of law and was admitted to the bar of the county December 26, 1849, and later at Cooperstown to all the State courts, and in 1867 to the U. S. Courts. He spent a long, active and useful life at DeRuyter, where he built up an extensive practice, first as a partner of A. Scott Sloan, then with his brother, R. L. Miner, from 1859 to '63, and again

with Lambert L. Kern from 1864 to '70. He died at DeRuyter, January 28, 1894.

He was Supervisor of his town in 1862, President of his village in 1867, 1868 and 1872, and also held the offices of Town Clerk, trustee and other offices.

He was a man of wonderful energy, strong nerve and powerful physique, which with a frank and generous nature enabled him to win a position of prominence in his profession and the community which his late start and limited education might otherwise have denied him. This portrait was presented to the county by his widow, Cynthia, now deceased.

## CHARLES MASON

Judge Mason was probably the most distinguished jurist our county can lay claim to. For over twenty-two years he was Justice of the Supreme Court of the State for the Sixth District and his decisions, many of which will be found reported in the official reports of this State, bear witness to his high standing as a man of learning and keen intellect. On the death of Judge Wright of the Court of Appeals—the highest court of our State—he was appointed to that court under the provisions of the Constitution, where he served for the years 1868 and '69 and was forced to retire because of the age limit.

He was born at Plattsburg, New York, June 18, 1810; studied with William Rogers of Watertown, N. Y., and was admitted to the bar. When Philo Gridley was appointed to the Circuit Court bench he removed to Hamilton to take the place left vacant by him there.

He was elected District Attorney of the county, which position he resigned when elected Justice of the Supreme Court in June, 1847.

After his retirement from the Court of Appeals he was appointed Clerk of the U. S. Circuit Court and removed to Utica, where he died May 31, 1879. He was a brother of the Judge of our county, Joseph Mason of Hamilton, still residing at that village. His picture hung in the chambers of Justice Forbes at Canastota for a number of years and is now in those of the late Justice Coman.



## THOMAS HILL HUBBARD

Judge Hubbard was the first Surrogate of our county—then a separate office. His portrait hangs at the right of the Surrogate's trial bench. It was copied in 1890 by Marshall Bros. of Cazenovia from a painting by Harding at Washington, D. C., in 1822, when he was about 40 years of age, and was presented to the county by his son, Robert James Hubbard, father of Robert F. Hubbard of Cazenovia.

This prominent man was born at New Haven, Conn., Dec. 6, 1781; studied law at Troy, N. Y., and was admitted to the bar in 1804 or 1805. He was the second attorney to settle in Hamilton, about 1805, and was very shortly appointed Surrogate, March 26, 1806, when the county was formed. He was on hand at the first Common Pleas Court for our county June 3, 1806, and with ten others, including Nathaniel King, Arthur Breese, John Kirkland and Perry G. Childs, was admitted to practice in the new court. The first case on record in the new county's minutes was brought by him as attorney and defended by Perry G. Childs. At the June, 1810, term Hubbard and Hubbard & Smith had 41 cases brought for first orders. In 1813 he, with A. D. Van Horne and Nehemiah Huntington, were appointed to revise the Common Pleas Court Rules. He discharged the duties of Surrogate with much ability for nearly ten years until Feb. 26, 1816. He was appointed a commissioner under the Insolvent Law in 1812; Master in Chancery in 1815; District Attorney for the seventh district, Oneida, Herkimer, Madison and Otsego counties, 1816, and again for our own county in 1818, when separate officers were appointed for each county, thus being also the first District Attorney for our separate county, and being, as I am informed, the second one ever appointed from the county. Daniel Kellogg was appointed District Attorney in 1809 as stated in Judge Chester's Legal and Judicial History of New York.

He was twice elected Representative in Congress from the 17th District (Madison and Herkimer counties), serving the years 1817-1818, 1821-1822. He was a Presidential Elector in 1812, 1844, 1852. He removed to Utica in 1824 and formed a partnership with Greene C. Brouson and was later appointed Clerk of the Supreme Court, which position he held many years. He retired in later years, having accumulated ample means, and died at Utica,

May 21, 1857. In her history, Mrs. Hammond says: "He was a man greatly beloved for his many virtues and the purity of his life."

## OTIS P. GRANGER

Mr. Granger was born at Suffield, Conn., February 21, 1796, and was one of the early settlers of Morrisville, where his life was spent. He was admitted to the bar at Utica, July 14, 1821, and for over sixty years was a prominent lawyer at the county seat. April 21, 1827, he was appointed by Governor DeWitt Clinton as Surrogate of the county, which important office he held for twelve years until February 18, 1840, discharging the duties with much care and satisfaction.

He was a delegate to the National convention at Baltimore when Martin Van Buren was nominated for the Presidency.

His death occurred at Morrisville, August 23, 1883, and his portrait was presented to the county by his daughter, Mrs. Agnes E. Groves, now living in his fine old home at that place.

## DELOS W. CAMERON

Mr. Cameron was born at Peterboro, January 13, 1832, where he received his preliminary education. He read law with Judge Sidney T. Holmes at Morrisville and was admitted to the bar in January, 1856. For a couple of years he practiced at Chittenango and in 1858 removed to Cazenovia, where he was located until his death, which occurred in June, 1905.

In 1862 he was elected District Attorney for the county, which position he held with much distinction for the term of three years. He was called upon to prosecute one of the dreaded Loomis "gang," and after securing a conviction after a hard fight was much chagrined when the court only imposed a fine of \$50, which was promptly paid by the defendant in court.

He was Collector of Internal Revenue for the twenty-second District of New York in 1870 and '71, and was Referee in Bankruptcy for the county under the last act, which office he held at the time of his death.

He was well versed in the law, and noted for his correct interpretation of the statutes. This coupled with his keenness, activ-

ity and forceful pleading won for him an extensive practice during the early years. Judge M. H. Kiley studied with him, and after his admission was for a time in partnership with him, the firm being known as Cameron & Kiley.

This picture was presented to the county by his wife, Ellen, now living at Cazenovia, and was made from a photograph taken about 1886 or '87.

## WILLIAM E. LANSING

Mr. Lansing for thirty years was a successful practitioner at Chittenango. At one time he was going over with an important witness the testimony she was to give in one of his cases and discovered that she was living with a man not her husband. Fearing she would be questioned about this on cross-examination, he instructed her to refuse to answer and state that she stood on her privilege. On being asked the expected question, she naively answered, "That's my privilege."

Mr. Lansing was born at Perryville, N. Y., December 21, 1822, studied and graduated from Cazenovia Seminary in 1841, went to Utica and studied law under Judge Charles Mason from 1841 to '45, and was admitted to the bar in May, 1845. He was also in 1871 admitted to practice in the U. S. Supreme Court. The same year he began the practice at Chittenango with the firm of Lansing & Kennedy and later Lansing & Kellogg. He was elected District Attorney for the county in 1850 and served one term; was President of Chittenango in 1853, at which time he was one of the directors of the Chittenango Bank, and in 1855 was elected County Clerk for one term. In 1861 he was elected Member of Congress and was subsequently elected to the same office in 1871. Very soon after the expiration of his last term he moved to Syracuse, where in 1876 he formed a partnership with F. A. Lyman, the firm being known as Lansing & Lyman, and which existed until the time of his death. He died at Syracuse, July 29, 1882.

The likeness from which the picture was taken and which hangs in the County Clerk's office was taken about 1880 and the picture was presented to the county by his daughter, Jessie Lansing Crouse of Syracuse.

## LORING FOWLER

Mr. Fowler was one of the prominent attorneys of Canastota. He was born at Peterboro, N. Y., August 11, 1815. His picture, which hangs in the County Clerk's office, was copied by Logan from a photograph taken at Albany when Mr. Fowler was a member of the State Constitutional Convention of 1868. It was presented to the county by his son, John Curtis Fowler, now residing at Syracuse.

Mr. Fowler was a prominent and highly respected citizen of his town, holding the offices of Justice of the Peace and School Commissioner of the town in the 'fifties and also that of President of Canastota about the same time. He was admitted to the bar at Cooperstown in 1849. In 1861 he was elected County Clerk for the term 1862-65 and in 1868 was a member of the Constitutional Convention as above mentioned. He was also one of the directors of the C., C. & DeRuyter Railroad Company in 1869. He died at Canastota, May 9, 1888, at the age of 72.

## LUCIUS P. CLARK

Lucius P. Clark was a native of Brookfield, being born at Clarksville, January 27, 1822, and was Postmaster at that village before removing to Morrisville, where he spent his active life. In 1850-52 he was Deputy County Clerk to Lorenzo Dana, and though a Democrat was elected to succeed him for a term of three years. He was admitted to the bar in 1855, and in 1856 was defeated as candidate for Congress. He was elected President of the village of Morrisville in 1862 and was a recruiting agent for Madison county in war times in 1863. His practice was largely office work and counsel. He also carried on a large loan business at one time and he was a commissioner of pensions. He took an active interest in the Congregational Church at Morrisville and was leader of the church choir up to the time of his death. He was prominent in all local enterprises and was a trusted and highly respected citizen. His popularity enabled him to be again elected County Clerk for the term 1873-76. He died at Morrisville February 23, 1891.

## ZADOCK T. BENTLEY

Mr. Bentley was born in Washington county, August 8, 1807, and was a son of a farmer who removed to DeRuyter when Zadock



was a boy. While working on the farm he secured such education as the locality afforded and he then studied law with Hon. Alonzo G. Hammond of Rensselaer county summers and taught school winters, later completing his studies with Judge Darwin Smith at Rochester. He was admitted to the bar in 1833 and immediately opened an office in his home village of DeRuyter in partnership with George W. Stone, where the firm of Stone & Bentley on one side of the street and Lorenzo and Luman Sherwood on the other kept the community legally animated until 1840. He was Clerk of the village in 1835 and '36 and its President in 1841. In 1843 he was elected County Clerk and in 1844 removed to Morrisville, where he continued to practice for seventeen years. He removed to Oneida in 1862 and died at the latter place, July 4, 1870, of paralysis. He was one of the directors of the First National Bank of Oneida in 1865. He was a well read lawyer and a capable advocate.

He had a brother, A. V. Bentley, who studied with him at De-Ruyter and was admitted to the bar in 1842, and who afterwards contested several cases with him with great tenacity. He abandoned active practice later and was elected Justice of the Peace in that town for twenty-five years, and was a large and trusted conveyancer of real estate.





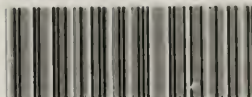








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